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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,035

02/23/2004

Masayuki Satake

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38834

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03/14/2005

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EXAMINER

JUBA JR, JOHN

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/783,035	Applicant(s) SATAKE ET AL.	
	Examiner John Juba, Jr.	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/04; 6/28/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

References JP 08-068907 A and JP 03-061983 A cited in Applicants' I.D.S. of June 28, 2004 have been considered only as to the English-language abstract provided. No additional pages were provided.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the display must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 6 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by MITSUI CHEMICALS INC (JP 2002-313140 A; hereinafter "MITSUI CHEM"). Referring to the figures and machine-assisted translation, MITSUI CHEM disclose an optical member (40) comprising an optical film (60) wherein the end face (50) is covered with water repellant materials (70). Even though MITSUI CHEM do not refer to water repellency, the examiner believes that at least the silane materials (para. [0018]) and the fluoride materials (para. [0020]) and certainly the PTFE material are inherently "water repellant" within the specificity recited.

With regard to claims 6 - 8, please refer to paragraphs [0026] – [0027], and [0097], *for example*.

Claims 1 – 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by HITACHI LTD (JP 60-083903 A). Referring to the figures and English-language abstract, HITACHI LTD disclose an optical element comprising a PVA polarizing film (2) and two protective layers (1)(1') so as to constitute an polarizing plate, wherein the end surfaces are coated with an epoxy resin (3) having low moisture permeability. Thus,

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HITACHI LTD disclose "water repellant" materials within the specificity recited. Further, HITACHI LTD anticipate that the optical element will be used by a display (not illustrated).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 102(b) and being anticipated by MITSUI CHEM (JP 2002-313140 A), or in the alternative under 35 U.S.C. 103(a) as being unpatentable over MITSUI CHEM. As set forth above for claim 1, MITSUI CHEM disclose the optical element. Further, MITSUI CHEM disclose a method of producing the optical member of claim 1 comprising the step of die cutting the film (as would be understood from the discussion of die length in para. [0054]), and applying the water-repellant material ("sealant"/ "closure section"). Further, MITSUI CHEM disclose the step of coating with a blade ("blade coat", "knife coat"; para. [00574]). Thus, it is believed that MITSUI CHEM anticipate that the die cutting blade will have been coated prior to cutting, such that the coating and cutting steps are performed simultaneously. However, if such is not the case, then it is believed that one of ordinary skill would have appreciated that blade coating an edge after cutting would have required extremely accurate positioning of the knife with respect to the film. Thus, it would have been

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obvious to perform the cutting and coating steps simultaneously, in the interest of speeding production through elimination of the additional steps of positioning and separate coating.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tannas, Jr. (U.S. Patent number 6,204,906) discloses a display having a moisture seal applied to the edge surfaces of the polarizers.

Poensgen (U.S. Patent number 4,061,418) disclose a display having a moisture-sealing compound applied to the end surfaces of the polarizers.

MITSUI PETROCHEM IND LTD (JP 10-073719 A) disclose an optical element having an end surface protected from moisture ("steam") by use of a fluorine resin system.

NIPPON DENSO (JP 62-296112 A) disclose a lamination of polarizing layers protected with an edge seal.

TSUTSUNAKA PLASTIC KOGYO K.K. (JP 60-069602 A) disclose a PVA film subjected to potassium iodide and borating treatments and having an end surface protected with a silicone sealant.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Juba whose telephone number is (571) 272-2314. The examiner can normally be reached on Mon.-Fri. 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Drew Dunn whose number is (571) 272-2312 and who can be reached on Mon.- Thu., 9 - 5.

The centralized fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for *all* communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.


JOHN JUBA, JR.
PRIMARY EXAMINER
Art Unit 2872

March 7, 2005